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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,821	01/24/2001	Maximilian Angel	51162	2188

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NOVAK DRUCE DELUCA & QUIGG, LLP  
1300 EYE STREET NW  
SUITE 400 EAST  
WASHINGTON, DC 20005

EXAMINER

KANTAMNENI, SHOBHA

ART UNIT	PAPER NUMBER
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1617

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/767,821	<b>Applicant(s)</b> ANGEL ET AL.	
	<b>Examiner</b> Shobha Kantamneni	<b>Art Unit</b> 1617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 July 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) NONE is/are allowed.
- 6) ☒ Claim(s) 1-3, 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/15/05 has been entered.

Claims 1-3 and 10 are pending, and examined herein.

Receipt of the Declaration filed on 02/15/2005 by Dr. Maximilian Angel is acknowledged.

Upon further consideration, and in view of new ground(s) of rejection the previous rejection of Claims 1-3, and 10 under 35 U.S.C. 103(a) as being unpatentable over GB 922,459 in view of Wu et al. (5,338,814), is withdrawn.

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Germany on 2/9/00. It is noted, however, that applicant has not filed a certified copy of the German application as required by 35 U.S.C. 119(b).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by GB 922, 457 (PTO-1449, 04/09/2001).

GB '457 discloses a process for preparing the graft copolymers of polyvinyl esters comprising polymerizing a vinyl ester such as vinyl acetate, vinyl propionate, vinyl butyrate, vinyl benzoate, or esters of acrylic or methacrylic acid with lower aliphatic alcohols in the presence of polyethers such as polyethylene glycols having a molecular weight between 106 to several millions, preferably between 100 to 30,000, by adding a free-radical initiator such as diacetyl peroxide, dibenzoyl peroxide, or azodiisobutyronitrile. See page 2, lines 33-75. It is further disclosed that the polyalkylene glycol is dissolved in at least one monomer in the presence or absence of additional solvent, and the polymerization is carried out in a homogeneous phase using a free radical initiator. See page 1, lines 55-69. It is also disclosed that the polymerization can be carried out in a continuous manner. See page 2, lines 3-4. On page 3, a graft copolymer obtained by polymerizing 90 parts by weight of vinyl acetate, 10 parts by weight of liquid polyethylene glycol molecular weight 400, and a free radical initiator, dibenzoyl peroxide is disclosed, which reads on the instant claims. EXAMPLE 2 discloses a process for preparing a graft polymer comprising heating a solution of vinyl acetate, polyethylene glycol and a free radical initiator, dibenzoyl peroxide, and adding the residual portion comprising the free radical initiator over a course of 2 hours. Thus, GB '457 anticipates claims 1-3, and 10.

### ***Response to Arguments***

Applicant's arguments, and the declaration filed on 02/15/05 have been fully considered, and entered.

Applicant argues that "Dr. Angel further explains that the polymerizations which are described in GB 922, 459 cannot reasonably be regarded as solution polymerizations because the amount of methanol which is employed in accordance with Examples 4 and 5 is too low to provide for a solution of the reactants and the product." This argument is not persuasive because it is not commensurate with the instant claims. The instant claims are not directed to solution polymerization, the instant claims are directed to a process for preparing graft copolymers comprising vinyl esters, polyethers, and adding a free-radical initiator wherein the free-radical initiator system is a solution in liquid polyethylene glycol. It is further pointed out that in Example 4, 850 parts by weight of vinyl acetate monomer used can also act as a solvent for polyethylene glycol.

### ***Conclusion***

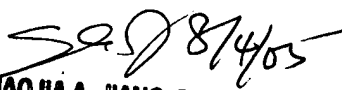
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shobha Kantamneni whose telephone number is 571-272-2930. The examiner can normally be reached on 8 am-5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreeni Padmanabhan can be reached on 571-272-0629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shobha Kantamneni  
Patent Examiner  
Art Unit 1617

  
SHAOJIA A. JIANG, PH.D.  
PRIMARY EXAMINER